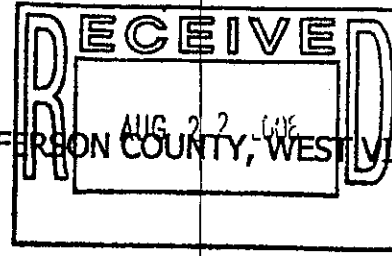


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W. Becker



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

STANLEY W. DUNN, JR. and
KATHERINE B. DUNN,
Plaintiffs

vs.

Civil Action No. 06-C-282

DOUGLAS S. ROCKWELL,
CAROL K. ROCKWELL and
MARTIN & SEIBERT, L.C.,
Defendants

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JEFFERSON COUNTY
CIRCUIT COURT

ORDER GRANTING DEFENDANT
CAROL ROCKWELL SUMMARY JUDGMENT

This 13th day of ~~July~~ ^{August}, 2008, came the parties, by Counsel, upon Defendants' respective motions for summary judgment and memoranda in support thereof and proposed Orders; upon the Order of the Court dated June 12, 2008 and entered June 19, 2008 granting, *inter alia*, Defendant Martin & Seibert's Motion for Summary Judgment; upon the other papers and proceedings formerly had and read herein.

UPON CONSIDERATION OF ALL OF WHICH, the Court doth find, rule, ADJUDGE and ORDER as follows:

I. Findings of Fact

As findings of fact herein the Court incorporates its Findings of Undisputed Facts in its Order dated June 12, 2008 entered June 19, 2008 granting Defendant Martin & Seibert's Motion to Amend Judgment and Entering Summary Judgment on Each of Plaintiffs' Claims against Martin & Seibert.

II. Conclusions of Law

The Court makes the following conclusions of law:

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"From the evidence before the Court, it appears the Plaintiffs knew of Mrs. Rockwell's acquisition of the disputed property no later than September 29, 2003. See Katherine Dunn Depo., p. 64; Stanley Dunn Depo., pp. 34-36; 43; 74, 111. Because they knew of Mrs. Rockwell's acquisition of the disputed property on or before September 29, 2003, their claims accrued under the 'discovery rule' on that date and became time-barred on September 30, 2005.

Furthermore, none of the Defendants took any action to prevent or delay Plaintiffs' filing of this suit. See Katherine Dunn Depo., pp. 68-69, 81; Stanley Dunn Depo., pp. 81-82, 128. Because Plaintiffs did not file suit until August 21, 2006, their claims against [Carol K. Rockwell] are time-barred even after applying the 'discovery rule'."

Order Granting Defendant Martin & Seibert's
Motion to Amend Judgment and Entering
Summary Judgment on Each of Plaintiffs'
Claims Against Martin & Seibert dated
June 12, 2008, entered June 19, 2008,
pp. 6-7.

III. Summary Judgment Granted to Mrs. Rockwell

Accordingly, it is ADJUDGED and ORDERED as follows:

1. That Defendant Carol K. Rockwell's Motion for Summary Judgment is **GRANTED**, and the Plaintiffs' suit against said Defendant is **DISMISSED** with prejudice.
2. That the Clerk shall enter the foregoing as and of the day and date hereinabove appearing, and shall forward attested copies of this Order to all parties.

ENTERED this 13th day of August, 2008.

HON. DAVID H. SANDERS
Judge, Twenty-Third Judicial Circuit Court

A TRUE COPY
ATTEST:

PATRICIA A. NOLAND
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W.VA

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BY YM Scott

5cc
Aitchison
Robertson
R. Santa Barbara
G. Schillace
W. Becken
8/18/08
mro

RDA